

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LYDIA GWENDOLYN BRONSTON,)	CASE NO. 5:07 CV 3487
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
WARDEN, Marion Correctional)	<u>AND ORDER</u>
Institution,)	
)	
Respondent.)	

On November 8, 2007, petitioner pro se Lydia Gwendolyn Bronston, an inmate at the Marion Correctional Institution, filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition and attachments indicate Bronston pleaded guilty in a 2001 case to tampering with records (2 counts), taking the identity of another, forgery (2 counts), and possessing criminal tools. He subsequently was found to have violated the terms of a community control sanctions order and incarcerated in May 2006. For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United

States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

As grounds for the petition, Bronston asserts he was not properly represented by counsel, was not permitted to speak with the judge, and was pressured into an agreement. Without regard to the potential merits of these grounds, it is evident on the face of the petition that they have yet to be raised and exhausted in the Ohio courts. The petition is thus premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Dated: January 14, 2008

s/ James S. Gwin
JAMES S. GWIN
UNITED STATE DISTRICT JUDGE